



July 26, 2019

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Ex Parte Presentation, WC Docket Nos. 18-335, 11-39

Dear Ms. Dortch,

On July 24, 25, and 26, 2019, CTIA met with FCC staff¹ to express CTIA's support for the draft Order revising the Commission's Caller ID spoofing rules, including incorporating text messages as directed by RAY BAUM'S Act.² CTIA supports the RAY BAUM'S Act's amendments as an additional measure to help protect consumers and maintain Americans' trust in messaging as a communications tool of choice, like our industry best practices and wireless provider efforts. CTIA also discussed the wireless industry's significant efforts to identify and address malicious actors who attempt to use communications networks for fraudulent purposes. The wireless industry has worked with the messaging ecosystem to develop industry best practices to combat fraud, and we continue to update these practices on an ongoing basis.

CTIA further explained that Section 227(e) and the RAY BAUM'S Act's amendment to that provision are focused on a specific type of fraud – namely, the insertion of inaccurate caller identification information into a call or text message's signaling data with intent to defraud,

¹ See Attachment for list of meeting participants.

² See *Implementing Section 503 of RAY BAUM'S Act* et al., WC Docket Nos. 18-335, 11-39, (FCCCIRC 1909-09, rel. Jul. 11, 2019) ("Draft Order").



cause harm, or wrongfully obtain anything of value, known as “spoofing.”³ CTIA firmly supports efforts to curb spoofing, and applauds RAY BAUM’S Act’s efforts in this regard.⁴ CTIA noted that there is no evidence that this type of fraud exists or is possible in the short code context.⁵ Given this lack of evidence, the absence of notice under the Administrative Procedure Act,⁶ the absence of reference to short codes in the RAY BAUM’S Act, and the Commission’s well-established light-touch approach,⁷ CTIA expressed concern about the FCC expanding the reach of these rules to short codes.⁸

Consistent with these comments and CTIA’s prior filings, CTIA appreciates and supports the Commission’s continued efforts to relieve consumers from the scourge of illegal robocalls and maintain wireless text messaging services as a trusted medium for consumers. This filing is made pursuant to Sections 1.1206(b), 1.1203(a)(1), and 1.1204(a)(10)(iv) of the Commission’s rules. Please do not hesitate to contact the undersigned with any questions.

³ 47 U.S.C. § 227(e)(1).

⁴ See CTIA Comments, WC Docket 18-335, at 7 (Apr. 3, 2019) (“support[ing] expanding the anti-spoofing rules to implement the RAY BAUM’S Act in a manner consistent with the *Wireless Messaging Declaratory Ruling*” and “urg[ing] the Commission to use the definition of ‘text message’ from the *Wireless Messaging Declaratory Ruling*”).

⁵ There is no record technical evidence that a third party can spoof a short code or tamper with caller identification information. The two articles cited in the *Draft Order*, ¶ 19 n.57, do not address short code spoofing. The first describes allegations around misrepresentation in the actual content of a message not the caller identification information, and the second is more likely explained as a customer account associated with the wrong phone number as opposed to the spoofing challenges described in the *Draft Order*.

⁶ The Notice giving rise to the *Draft Order* never mentioned short codes; it expressly discussed the scope of the “text messaging” definition without any suggestion that messages sent via short codes would be included. *Implementing Section 503 of RAY BAUM’S Act et. al.*, 34 FCC Rcd 738 ¶ 16 (2019).

⁷ The Commission has refrained from classifying short codes as a component of messaging service – indeed, it expressly declined to do so less than eight months ago in the *Wireless Messaging Declaratory Ruling*. *Petitions for Declaratory Ruling on Regulatory Status of Wireless Messaging Service*, 33 FCC Rcd 12075, 12087 ¶ 28 n.86 (2018).

⁸ To extent that the Commission retains these provisions, it should affirm that nothing in this Order affects its decision in the *Wireless Messaging Service Declaratory Ruling*, which expressly refrained from any finding that a short code is a “component” of mobile messaging for purposes of the Communications Act. See *id.* *Petitions for Declaratory Ruling on Regulatory Status of Wireless Messaging Service*, 33 FCC Rcd 12075, 12087 ¶ 28 n.86 (2018). The Commission should also affirm that its decision only interprets Section 503 of RAY BAUM’S Act in the context of Section 227, which is limited to anti-spoofing, and makes no finding with respect to any other Commission jurisdiction.



Sincerely,

/s/ Scott Bergmann

Scott Bergmann
Senior Vice President, Regulatory Affairs



ATTACHMENT

July 24, 2019 Meeting

Scott Bergmann, CTIA

Matthew Gerst, CTIA

Nirali Patel, FCC

July 25, 2019 Telephone Call

Scott Bergmann, CTIA

Will Adams, FCC

July 25, 2019 Telephone Call

Scott Bergmann, CTIA

Arielle Roth, FCC

July 26, 2019 Telephone Call (pursuant to FCC request)

Brad Gillen, CTIA

Nicholas Degani, FCC